

REMARKS

This is a full and timely response to the Office action of March 6, 2007. Reexamination and reconsideration in view of the foregoing amendments and following remarks is respectfully solicited.

Claims 10 and 12-27 are pending in this application, with Claims 10 and 18 being the independent claims. Claims 10 and 12 have been amended herein. No new matter is believed to have been added.

Rejection Under 35 U.S.C. § 101

Claims 10 and 12-27 were rejected under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. Specifically, the Office action alleges that because the independent claims include recitations that a display and a processor are configured to perform stated functions, rather than being limited to actually performing the stated function, the claims are directed to non-functional descriptive material, and are thus non-statutory. This reasoning is, of course, not supported by any statute, rule, or case law.

In particular, although independent Claim 1 certainly does recite a processor that is configured to receive data, it further recites that the processor is additionally configured to “control said display to present said first visual representation of the data of said first data category superimposed over said second visual representation of the data of said second data category and said third visual representation of the data of said third data category,” and that the processor is further configured to “determine an occurrence of a predefined event and, upon determining the predefined event has occurred, to” selectively and variously superimpose visual representations of data over other visual representations of data. As regards independent Claim 18, this claim recites that the processor is configured to “control said display during production of said first visual representation of the data of said first data category and said second visual representation of the data of said second data category.”

The above-noted language of independent Claims 10 and 18 is not merely functional, nor is it directed to some abstract idea. Rather, this language recites particular

structure that will produce a tangible result. Specifically, it recites a processor that, in the case of independent Claim 10, is responsive to the receipt of a specific type of data (e.g., data of each of the plurality of data categories) and, in the case of independent Claims 10 and 18, controls a display in various specified manners. As such, this explicit claim language cannot be summarily dismissed as being directed to non-functional descriptive material. To believe otherwise is to believe that no processor-driven device or system is patentable.

In view of the foregoing, reconsideration and withdrawal of the § 101 rejection is requested.

Rejections Under 35 U.S.C. § 112, Second Paragraph

Claims 10 and 13-17 were rejected under 35 U.S.C. § 112, second paragraph as allegedly being indefinite. Specifically, it was alleged in the Office action that the term “both” renders independent Claim 10 (and thus its dependent claims) indefinite. In response, Applicants have cosmetically amended independent Claim 10 to even more clearly indicate what is meant by the term both.

In view of the amendment to independent Claim 10, reconsideration and withdrawal of the § 112, second paragraph rejection is requested.

Rejections Under 35 U.S.C. § 103

Claims 10 and 13-17 were rejected under 35 U.S.C. § 103 as allegedly being unpatentable over U.S. Patent No. 6,262,741 (Davies) and European Patent Application Publication No. EP 0 927 941 A2 (Almeida). This rejection is respectfully traversed

Davies relates to a system and method for displaying, on a display device, a topology having topological features. The topological region is divided into tessellations (or mosaics). An object-based database, which includes geometrical objects representing the topological features with each geometrical object associated with a particular tessellation, is accessed. The geometrical objects are one of a polygon object, a polyline object, and a point object representing the topological features. When a tessellation is

selected to be displayed, the geometrical objects associated with the tessellations to be displayed, are fetched from the database and drawn on the display.

From the above it is clear that Davies fails to disclose, or even remotely suggest, at least a processor that is configured to determine an occurrence of a predefined event and, upon determining the predefined event has occurred, to (i) superimpose said second visual representation of the data of said second data category over said first visual representation of the data of said first data category whereby the second visual representation masks said first visual representation in said first common region and (ii) superimpose said third visual representation of the data of said third data category over said first visual representation of the data of said first data category such that the third visual representation masks said first visual representation in said second common region,

wherein the predefined event includes movement of the cursor by a user, a predefined change in the data of one or more of the plurality of displayed data categories, or both the movement of the cursor by a user and a predefined change in the data of one or more of the plurality of displayed data categories, as is recited in independent Claim 10.

Almeida relates to a data manipulation and visualization software tool for organizing, managing, and navigating through complex data. A user, via a graphical user interface, may browse through multiple simulated layers of complex data, display a plurality of complex data in one or more simulated layers on the same screen, or view historical traffic performance information for a predefined time period. Although the Office action cites col. 5, ll. 2-4, col. 7, ll. 1-5, and FIG. 10 as teaching data superimposition, layer transparency, and the predefined events, these portions of Almeida do not even remotely make up for the above-noted deficiencies of Davies. Indeed, nowhere does Almeida disclose or suggest superimposing various visual representations of different data over one another such that one masks the other in common regions, let alone this taking place in response to at least three different predefined events.

Applicant submits that no matter how broadly one wants to interpret these references, the references simply do not remotely teach or suggest the combination of

elements as recited in independent Claim 10. As such, reconsideration and withdrawal of the § 103 rejection is requested.

Conclusion

Based on the above, independent Claims 10 and 18 are patentable over the citations of record. The dependent claims are also believed to be patentable for the reasons given above with respect to the independent claims and because each recite features which are patentable in its own right. Individual consideration of the dependent claims is respectfully solicited.

The other art of record is also not understood to disclose or suggest the inventive concept of the present invention as defined by the claims.

Hence, Applicant submits that the present application is in condition for allowance. Favorable reconsideration and withdrawal of the objections and rejections set forth in the above-noted Office action, and an early Notice of Allowance are requested.

If the Examiner has any comments or suggestions that could place this application in even better form, the Examiner is requested to telephone the undersigned attorney at the below-listed number.

If for some reason Applicant has not paid a sufficient fee for this response, please consider this as authorization to charge Ingrassia, Fisher & Lorenz, Deposit Account No. 50-2091 for any fee which may be due.

Respectfully submitted,

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